IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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THURSDAY, THE SECOND DAY OF MARCH

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.No.3922 OF 2006

Between

B.Krishna Kishore … Petitioner

Versus

The Land Acquisition Oficer-cum- Revenue Divisional Officer,

Jangareddygudem,

West Godavari district. … Respondents

Counsel for the Petitioner: Sri K.Ranga Rao

Counsel for the Respondent: Govt.Pleader for Land Acquisition

O R D E R :

Heard the learned counsel for the petitioner as well as the learned Govt.Pleader for Land Acquisition.

The petitioner is the owner of the land to an extent of Ac:1-49 cents in RS.No.208/2 and Acs:0-82 cents in RS.No.210/2 B2, admeasuring Acs:2-31 cents situated at Gopalapuram village of Gopalapuram Mandal, West Godavari district. The Government acquired the land for the purpose of road widening by initiating the proceedings under the Land Acquistion Act and that notification under section 4 (1) of the Land Acquisition Act was published in the Andhra Pradesh Gazette on 30-7-2001 proposing to acquire the said land and the declaration under section 6 of the Act was published in A.P. Gazette No.18, dated 14-8-2001. After following due procedure, the Land Acquisition Officer-cum-Revenue Divisional Officer, Jangareddigudem, passed the award in July 2003, awarding compensation for the acquired land @ Rs.1,20,000-00 per acre.

It is stated that the petitioner claimed the compensation @ Rs.3,00,000-00 per acre

before the award proceedings as against the grant of only Rs.1,00,000-00.

It is stated that the Land Acquisition Officer served the notice of the award under section 12 (2) of the Act to the petitioner on 21-7-2003 and also paid the balance of compensation to the petitioner. Immediately the petitioner made an application on 27-8-2003 under section 18 of the Land Acquisition Act, requesting the Land Acquisition Officer to refer the matter for proper adjudication of the matter by the competent civil court. It is stated that the said application dated 27-8-2003 has been received by the Land Acquisition Officer on 28-8-2003 but the same has not been considered and disposed of.

It is the case of the petitioner that he has not accepted the compensation as determined by the Land Acquisition Officer, therefore, he made the said application to the Land Acquisition Officer and filed his objections seeking to refer the same to the competent civil court for determination of the compensation.

When such application is filed by the petitioner within the stipulated time, it is the duty of the Land Acquisition Officer to consider the said application of the petitioner and dispose of the same and if the Land Acquisition Officer has not referred the matter to the competent civil court for proper adjudication, he has to pass order assigning the reasons thereof for not referring the same.

Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the writ petition, I deem it appropriate to direct the respondent to consider and dispose of the application of the petitioner dated 27-8-2003 and pass appropriate orders on merits and in accordance with law. The above

exercise shall be completed within four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

MARCH 2nd, 2005. ----------

l s L. V. ESWARAIAH, J.